

**WEBB COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES FOR THE
REGULAR MEETING
NOVEMBER 25, 2002
9:45 A.M.**

01.02-11-307 CALL TO ORDER BY JUDGE MERCURIO MARTINEZ, JR.

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:45 A.M. at the regular meeting place with the following members present to wit:

Mercurio Martinez Jr.	County Judge
Jerry Vasquez	Commissioner Pct. 1
Judith Gutierrez	Commissioner Pct. 2
Felix Velasquez	Commissioner Pct. 3
Mike Urdiales	Commissioner Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22th day of November 2002. Present also were Ms. Alejandra G. Villarreal, Deputy County Clerk representing Mr. Henry Flores, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

INVOCATION – Cmr. Judith Gutierrez

PLEDGE OF ALLEGIANCE – Mr. Eloy Ramirez

02.02-11-308. APPROVAL OF MINUTES

Cmr. Gutierrez made a motion to approve the minutes pending a correction on the first paragraph of page 12. The word “accessed” should be “assessed”. Cmr. Velasquez seconded the motion. All voted “Aye” in favor. Motion Carried 4 to 0.

03.02-11-309. COMMUNICATIONS

Judge Martinez acknowledged receipt of a letter from the City of Laredo’s Department of Public Works informing on the status of methane gas levels at the City of Laredo Landfill. The Texas Commission on Environmental Quality requires this information be disclosed to the owners and users of the land adjacent to the landfill..

The Judge also acknowledged receiving a letter from the Texas Department of Public Safety’s Division of Emergency Management as a reminder that Webb County is a Declared County and is eligible for low-interest emergency loans for those that qualify under the department’s guidelines.

A letter from the City of Laredo’s Fire Department informing the County on the number of fire and EMS runs into the County for the month of October was also acknowledged by the Judge.

The Judge informed all in attendance that the County’s independent auditor, Baum, Mejia & Co., had sent a letter to the Director of the Texas Community Development Program of the Texas Department of Housing & Community Affairs informing them that, in their opinion, the County of Webb had an adequate financial system to handle transactions and to account for the \$300,000 contract from the Texas Community Development Program recently awarded to the County.

The Judge introduced Mr. Jim Kelly, agent in charge of STX Petro Properties, who addressed the Court in reference to the Webb County School Board Lease dated September 13, 1963.

Mr. Jim Kelly of STX Petro Properties, representing North Central Oil Co., owners of the School Board Lease, addressed the Court to request permission from the County to drill and commence operations of well #4 based on the success of well #15 which was recently completed and has a daily production rate of 1.7 MMCFD.

The Judge explained that said company had the right to drill based on the conditions of the lease and that their request was a courtesy. He also explained that the proceeds of the lease are distributed among the four (4) school districts of Webb County through an established process. The Judge thanked Mr. Kelly for the good news.

The Judge asked if there were any other items of communication, to which there was no response and called on Cmr. Velasquez to make his presentation.

Cmr. Velasquez introduced Mr. Martin Herrera, a student at Lamar Middle School. Mr. Herrera recently won 1st place in his junior division at a boxing tournament in Kingsville, Texas and was honored by Cmr. Velasquez with the Webb County "Rising Star" award.

All members of the Court joined Cmr. Velasquez in congratulating him. Judge Martinez recognized him as a role model for his peers and commended him for representing this community as well as the school district. The Judge also thanked his mother, Mrs. Herrera, for encouraging and supporting her son.

The Judge asked for item 10.02-11-316 (d) be brought up and explained that Mr. Richard Haynes who would be presenting this item had a case pending at the 49th District Court and needed to leave as soon as possible.

Cmr. Gutierrez made the motion to move item 10.02-11-316 (d) up and Cmr. Velasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.
(Please see pages 26 & 27)

04.02-11-310. APPROVAL OF BILLS, PAYROLL AND MONTHLY REPORTS

Jorge Flores, County Treasurer, presented the Court with the report on the ratification of checks for October, the actual payroll, and the projected payroll. He also stated that there were no side bills for the month of October.

Cmr. Gutierrez made a motion to approve the Treasurer’s reports, the actual payroll and the projected payroll as presented. Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

Rafael Perez, Chief Deputy Auditor, requested the Court move up item 06.02-11-312 (b.)

Cmr. Gutierrez made a motion to move up 06.02-11-312 (b.) and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.
(Please see pages 6, 7, 8, & 9)

Cmr. Gutierrez made a motion to acknowledge the monthly reports and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion Carried 4 to 0.

05.02-11-311. APPROVAL OF RESOLUTION/PROCLAMATIONS

“TASK FORCE ON INDIGENT DEFENSE”

After the Judge read the resolution, Cmr. Gutierrez made a motion to approve and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

06.02-11-312. COURT TO DISCUSS AND ACT ON THE FOLLOWING:

a. RISK MANAGEMENT

1. ACTION TO APPROVE A REVISED WEBB COUNTY SICK LEAVE POOL POLICY TO BE EFFECTIVE UPON ADOPTION.

Juanita Puente, Risk Manager, requested that the Court table the item on the recommendation of the insurance committee.

A motion to table the item was made by Cmr. Gutierrez and Cmr. Velasquez seconded the motion. All voted “Aye” in favor. Motion carried 3 to 0. Cmr. Vasquez not being present at the time.

2. ACTION REGARDING THE CRITERIA AND FUNDING FOR THE RETIREE HEALTH INSURANCE PROGRAM.

Ms. Puente explained that after carefully considering all the possibilities, changes, and proposals, the insurance committee was presenting the final draft of the Retiree Health Insurance Program for the Court’s approval.

Cmr. Urdiales thanked the members of the insurance committee including Cmr. Gutierrez, Nathan Bratton, Carlos Villarreal, Leo Flores, Cmr. Vasquez and Juanita Puente. He also explained the Retiree Health Insurance Program will greatly benefit some of the people that are going to be retiring.

Cmr. Gutierrez reiterated the feelings expressed by Cmr. Urdiales and thanked him for his leadership as Chair of the committee. She stated that this project having taken 3 years to be developed was a very well thought out and comprehensive plan that would benefit many employees.

The Judge thanked and commended Cmr. Urdiales and Cmr. Gutierrez as well as all the members of the committee.

Cmr. Gutierrez made a motion to approve the Retiree Health Insurance Program and Cmr. Vasquez seconded the motion. All voted "Aye" in favor. Motion carried 5 to 0 with the Chair also voting in support.

b. COUNTY AUDITOR

ACTION TO APPROVE AND RATIFY THE ACTION TAKEN BY THE COUNTY AUDITOR TO MAKE LINE ITEM TRANSFER OF FUNDS WITHIN A DEPARTMENT'S BUDGET TO ALLOW FOR THE PAYMENT OF INVOICES FROM LINE ITEMS WHERE FUNDS WERE NOT FULLY AVAILABLE. THE ACTION TAKEN BY THE COUNTY AUDITOR WAS AUTHORIZED BY COMMISSIONERS COURT WITH THE INTENT BEING TO CLASSIFY EXPENDITURES CORRECTLY AND TO ACCOUNT FOR THEM IN THE FISCAL YEAR IN WHICH THEY WERE INCURRED.

Rafael Perez, Chief Deputy Auditor, requested the Court approve the line item transfer of funds in the amount of \$ 856,055 to allow for payment of invoices.

Cmr. Gutierrez motioned to approve the line item transfers and Cmr. Urdiales seconded the motion.

Cmr. Velasquez expressed his concerns on how this action would impact next years fund balance and asked what could be done to avoid this situation again. Mr. Perez responded that it did affect the fund balance but that the County was still at 18%.

Cmr. Gutierrez inquired that if the indigent health care expenditures had exceeded the 8% so that the County could request reimbursement from the State to which Mr. Perez's response was that even though the department had spent an additional \$ 421,995 over their approved budget, the County was well below the 8% and, therefore, did not qualify for State reimbursement.

Cmr. Vasquez asked who was responsible for making the decision to continue spending funds when expenditures had already exceeded the approved budget.

Mr. Carlos Villarreal responded that it was the department head or elected official's responsibility to make sure that expenditures were controlled.

Ms. Mattie Smith Gomez, Central Welfare Director, stated that the County was mandated by the State to provide basic health care services to those persons who met the criteria.

Mr. Villarreal reiterated that once a department's budget was approved, the department head needed to adhere to it.

Cmr. Velasquez asked when the indigent health care expenditures were incurred, why the Auditor's Report for the previous month did not reflect these expenditures, and if September had been an exceptional month in terms of health care.

Cmr. Gutierrez asked if the 8% had been allotted for indigent health care to which Mr. Villarreal's response was that the Court had never allocated the full 8% and that the budget was based on what the department had spent historically. He further added that it was understood that some departments would have a need to go over budget but that once they reached the 90 – 95% threshold, it was imperative that they inform the Court that additional monies would be needed.

Cmr. Vasquez asked if other counties budgeted the full 8% for indigent health care. Mr. Villarreal responded that if some counties did, they were the exception and not the rule. Cmr. Vasquez stated that if that was the case, then a lot of counties would be facing this same situation. He then asked Ms. Gomez if her department had the necessary safeguards to ensure that persons not meeting the qualifications were not benefiting from the program. Ms. Gomez responded that they did have safeguards in place but that in the years the program had been in existence there were instances when this happened.

Cmr. Urdiales agreed with the comments made by the other Commissioners and Mr. Villarreal but disagreed Ms. Gomez. He stated that they needed to establish a policy in order to avoid this situation in the future.

The Judge called for the question: Cmr. Gutierrez, Velasquez, and Urdiales voted “Aye” in favor to approve with Cmr. Vasquez being the only vote against. Motion carried 3 to 1.

The Judge commented to Mr. Rafael Perez, Mr. Jorge Flores and Mr. Leo Flores that the State did not have the money to reimburse any funds to counties and that they needed to take care of our own and monitor these situations accordingly. (For full discussion, please view videotape)

d. **ECONOMIC DEVELOPMENT**

1. **ACTION TO FILL SLOT #1508 (Office Manager) EFFECTIVE NOVEMBER 25, 2002, AT \$11.90 AN HOUR.**

Cmr. Gutierrez motioned to approve the filling of slot #1508 and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

2. **ACTION ON THE ACCEPTANCE OF THE RECOMMENDATIONS FROM THE WEBB COUNTY HOUSING ASSISTANCE SCORING COMMITTEE ON THE FOLLOWING ELIGIBLE APPLICANTS TO RECEIVE ASSISTANCE UNDER THE SELF-HELP CENTER HOUSING ASSISTANCE GRANT PROGRAMS FOR HOUSING REHABILITATION AND/OR**

RECONSTRUCTION:

- **Jesus Sanchez (Colonia San Enrique)**
- **Jose A. Paredes (Colonia Los Altos)**
- **Javier De Hoyos (Colonia San Enrique)**
- **Jesus Tejada (Colonia Los Altos)**

Cmr. Gutierrez made a motion to accept the recommendations of the Webb County Housing Assistance Scoring Committee and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

3. ACTION TO AUTHORIZE THE SUBMISSION OF A DISCRETIONARY INDIGENT DEFENSE GRANT PROGRAM APPLICATION TO THE TASK FORCE ON INDIGENT DEFENSE FOR NO MORE THAN \$100,000 AND IN KIND MATCH OF \$25,000. THE PURPOSE OF THIS GRANT IS TO PROVIDE SUPPORT TO THE INDIGENT DEFENSE SYSTEM.

A motion was made by Cmr. Gutierrez to submit the grant and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

e. **TAX ASSESSOR COLLECTOR**

ACTION TO APPROVE REFUNDS

First American Real Estate Tax Service

Reason: Over Payment

Total Refund: \$1,478.03

Mike Link

Reason: Paid in Error

Total Refund: \$991.45

Hill Top

Reason: Paid in Error

Total Refund: \$538.43

Jose Garcia Davalos

Reason: Did not exist on 1st of years 1997 -1999

Total Refund: \$599.90

Esteban Alejo

Reason: Did not exist on 1st of years 1997-1999

Total Refund: \$1,467.10

Q Q Collectibles

Reason: Adjustment on Value

Total Refund: \$596.67

Laredo National Bank

Reason: Over Payment

Total Refund: \$1,034.33

Cmr. Gutierrez made a motion to approve said refunds and Cmr. Velasquez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

07.02-11-313.

COUNTY JUDGE AND COMMISSIONERS

- a. **ACTION AUTHORIZING THE NEGOTIATION OF, AND A FAIR MARKET VALUE OFFER FOR THE ACQUISITION OF LOTS 1, 2, 3, AND 4, BLOCK 197, WESTERN DIVISION, LAREDO, WEBB COUNTY, TEXAS AND AUTHORIZING THE COUNTY JUDGE TO ENTER INTO AN EARNEST MONEY CONTRACT UPON ACCEPTANCE OF THE COUNTY'S OFFER AND ANY MATTERS INCIDENT THERETO. (Executive Session is requested pursuant to Title 5, Subchapter D, Section 551.071 of the Texas Government Code, Consultation with Attorney and pursuant to Title 5, Subchapter D, Section 551.072 of the Texas Government Code, Deliberation Regarding Real Property)**

Item left pending for Executive Session. (Please see page 29)

- b. **ORDER AUTHORIZING THE ISSUANCE OF "WEBB COUNTY, TEXAS LIMITED TAX REFUNDING BONDS, SERIES 2002A," AND MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING A BOND PURCHASE AGREEMENT; AND APPROVING OTHER MATTERS RELATING THERETO.**

Cmr. Velasquez voiced some concerns in reference to the possibility of issuance costs offsetting the cost savings.

Carlos Villarreal, Executive Administrator, explained that this would be rolled over into the previous bond and would all be part of one package having one issuance cost.

Cmr. Gutierrez made a motion to approve the item as submitted and Cmr. Urdiales seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

c. ACTION CONCERNING ORDER OF COMMISSIONERS COURT RELATING TO THE USE OF FACILITY OCCUPIED BY JUSTICE OF THE PEACE OSCAR MARTINEZ.

Nathan Bratton, Assistant County Attorney, explained that the Court needed to draft an order specifying the effective date Constable Juarez needed to vacate the offices which he will no longer occupy and also specify which office he will be housed in.

Cmr. Vasquez made a motion to assign Constable Juarez the first office located on the right hand side of the South entrance on the South East corner of the building. The other offices currently occupied by the Constable must be vacated by 5:00 p.m. on Wednesday, November 27, 2002. Cmr. Gutierrez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

d. ACTION TO NAME MR. ROBERT SUMMERS AND ISMAEL SALINAS TO THE WEBB COUNTY DRAINAGE DISTRICT #1 TO REPLACE EVAN QUIROZ AND RUBEN M. GARCIA.

Cmr. Vasquez made the motion to name Mr. Summers and Mr. Salinas as replacements to the drainage district #1 and Cmr. Gutierrez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

**08.02-11-314. COURT TO DISCUSS AND ACT ON THE FOLLOWING
FROM THE COUNTY ENGINEERING DEPARTMENT**

- a. ACTION AUTHORIZING THE ACCEPTANCE OF
“SERRANO ROAD” (Approximately 0.8 miles long). THIS
ROAD CONNECTS THE TEX MEX SWITCHING YARD
TO HWY 359. IT IS ALSO A ROAD USED BY THE
COLONIA RESIDENTS OF TANQUECITOS I & II AND
LOS ALTOS. TEX MEX RAIL ROAD HAS OFFERED TO
PROVIDE THE ENGINEERING AND MATERIALS
REQUIRED TO PAVE THIS SECTION OF THE ROAD.
TEX MEX WILL ALSO PAY FOR THE RELOCATION
OF AN EXISTING HIGH PRESSURE GAS LINE THAT
PARALLELS THE ROAD.**

Tomas Rodriguez, County Engineer requested that the Court consider withdrawing the motion previously made by Cmr. Vasquez and seconded by Cmr. Gutierrez to accept Serrano Road (item 08.02-11-314), and allow the representative from Tex Mex, Mr. Arturo Dominguez, to address the Court and state publicly Tex Mex’s commitment for this project.

The Judge requested a motion to bring back item 08.02-11-314 (a). Such motion was made by Cmr. Vasquez and seconded by Cmr. Gutierrez. All voted “Aye in favor. Motion carried 4 to 0.

Cmr. Vasquez made the motion to rescind the motion previously made to accept Serrano Road and Cmr. Gutierrez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

Mr. Dominguez, Tex Mex Real Estate and Development Manager, addressed the Court and read a letter to the Judge and the Commissioners Court as follows (not verbatim):

Dear Honorable Judge and Commissioners:

This letter will confirm the Texas Mexican Rail Way's commitment to donate approximately 8 acres of land to the County for the construction of a road to serve the Colonia "Los Altos" as discussed at a meeting held on October 16, 2002, with Cmr. Judith Gutierrez, Mr. Tomas Rodriguez, County Engineer, Mr. Jim Kelly of STX Petro Properties, representing North Central Oil Co., Mr. Arturo Dominguez, Real Estate and Development Manager for Tex Mex, and myself (James Riney, General Manager for Tex Mex Railway)

Along with the donation of the land, Tex Mex will work with North Central Oil to relocate an existing gas line so as not to interfere with the construction of the proposed road as well as to furnish the necessary materials to pave that road.

We most respectfully request the Court to favorably accept our offer.

Mr. Dominguez underscoring the concerns of the County Attorney stated that Tex Mex would cooperate in any way to make sure any requests required by the Court be met.

Cmr. Gutierrez asked Mr. Dominguez to stipulate the concerns addressed by Mr. Bratton to which Mr. Dominguez agreed but requested that Mr. Bratton prepare the document so he could represent the County's requisites.

The Judge stated he would entertain a motion to approve the item with the conditions being stipulated and also acknowledge, off record, the letter being presented by Mr. Dominguez within the minutes. The conditional approval of such item would include additional stipulations that would later be made based on recommendations by the County Engineer and made a part of the legal documentation to be prepared by the County Attorneys office, specifically Mr. Nathan Bratton.

Mr. Bratton's recommendation was to authorize the acceptance of Serrano Road contingent upon Tex Mex's compliance with such stipulations as would be outlined in the letter.

Upon the recommendation of legal counsel, Cmr. Vasquez made the motion to authorize the acceptance of Serrano Road contingent upon such compliance by Tex Mex. Cmr. Gutierrez seconded the motion. All voted "Aye" in favor. Motion carried 5 to 0 with the chair also voting in support.

(For full discussion, please view videotape)

b. ACTION TO ESTABLISH A RESOLUTION APPROVING AND ADOPTING THE CITY OF LAREDO'S EMERGENCY PLAN IN WHAT RELATES TO WEBB COUNTY AND THE CITY OF LAREDO.

A motion was made by Cmr. Vasquez to establish a resolution approving and adopting the City of Laredo's emergency plan and Cmr. Gutierrez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

- c. **ACTION AUTHORIZING A CHANGE ORDER TO AN EXISTING CONTRACT WITH NAISMITH ENGINEERING FOR THE R.O.W. ACQUISITION OF COLONIAS ON HWY 359. THE WORK INVOLVES SURVEYING AND PREPARATION OF PARCEL MAPS TRACTS 4,5,6 & 7 AND REVISIONS REQUIRED FOR TRACTS 8, 9, 10, 11, 12, 17, 18 & 19. THE ORIGINAL CONTRACT IS FOR \$269,555.00 AND IS FUNDED BY TCDP 721105 ACCT. 652-8001-7032 AND BOND SERIES 2001 ACCT. 627-8107-8002.**

Motion was made by Cmr. Vasquez to authorize a change order to an existing contract with Naismith Engineering and Cmr. Gutierrez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

- d. **ACTION IN AWARDING A CONTRACT TO SHERFEY ENGINEERING COMPANY, L.L.C. IN THE AMOUNT OF \$89,000.00 FOR THE COUNTY'S JUVENILE DETENTION CENTER THAT IS TO BE LOCATED ON DEL MAR BLVD. (Old Detention Center Site). THE WORK INCLUDES DESIGN SURVEYING (\$13,350.00), DETAILED PLANS & COORDINATION (\$64,150.00) AND CONSTRUCTION ADMINISTRATION (\$11,500.00).**

Cmrs. Gutierrez and Velasquez expressed some questions, comments, and concerns regarding the funding, expenditures, and the site for this project. Furthermore, they stated, for the record, that although they are in favor of the project they could not support the location.

Cmr. Vasquez reminded the Court that Commissioners Court had already approved the location at a previous meeting. He then made a motion to award the contract to Sherfey Engineering Co. and Cmr. Urdiales seconded the motion. The vote was tied when Cmr. Vasquez and Urdiales voted in favor and Cmr. Gutierrez and Velasquez against. The Chair cast the deciding vote in favor to approve. Motion carried 3 to 2. (For full discussion, please view videotape)

- e. **ACTION APPROVING THE FINAL PAYMENT IN THE AMOUNT OF \$40,842.00 TO J. SOLIS MAINTENANCE & WELDING FOR THE CONSTRUCTION OF THE UTILITIES ADMINISTRATION BUILDING. THE TOTAL AMOUNT OF THE CONTRACT WAS \$205,920.00. ROAD & BRIDGE DEPT. HAS INSTALLED THE SIDEWALKS AROUND THE BUILDING AND HAS PAVED THE PARKING LOT. THE UTILITIES DEPARTMENT SHOULD MOVE INTO THE NEW BUILDING BY NOVEMBER 15, 2002.**

Tomas Rodriguez, County Engineer, explained that although some items are still pending at the site, they are not the responsibility of J. Solis Maintenance & Welding. Therefore, he recommended final payment be issued to the firm.

Upon the recommendation of the County Engineer, Cmr. Gutierrez made a motion to approve final payment and Cmr. Vasquez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

**09.02-11-315. COURT TO DISCUSS AND ACT ON THE FOLLOWING
FROM PURCHASING AGENT**

**a. ACTION TO AWARD/REJECT THE FOLLOWING BIDS
AND PROPOSALS:**

Purchasing Agent, Eloy Ramirez, addressed the Court with the following recommendations:

**Bid #2002-70 Peñitas West New Community Building
And Mirando Addition to Existing
Community Building** – Mario Jasso,
Architect for these projects recommended
C.G. Construction, Inc. at a cost of
\$456,930.19 for the Peñitas West center and
\$262,512.04 for the addition to the Mirando
Center making it a grand total of \$719,442.23.

Cmr. Gutierrez made a motion to approve the recommendation and Cmr. Urdiales seconded the motion. All voted “Aye in favor. Motion carried 4 to 0.

Bid #2003-20 Furniture for Title IV-D Courtroom –
from Wittigs Office Interiors at a cost of
\$19,974.

A motion to approve the recommendation was made by Cmr. Gutierrez and seconded by Cmr. Vasquez. All voted “Aye” in favor. Motion carried 4 to 0.

Bid #2003-21

Drilling Contractor to drill a Well on Hwy 83 North (Botines Area) – by Woods Drilling Co. at a cost of \$29,075.75 and to be located on County property (Sheriff's radio tower) in the Botines area.

Cmr. Urdiales made a motion to approve the recommendation and added that the well would be of great benefit to the County in the future. Cmr. Velasquez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

Bid #2003-22

Leasing of Unimproved Property, on Hwy 59 – to Cabello Wrecker Service at \$6,000 per year (only bid received).

After discussing the contract, making numerous observations, and debating over the terms/length of the lease a motion was made by Cmr. Vasquez and seconded by Cmr. Gutierrez. The motion was for a five (5) yr. lease with a five yr. option; Cmr. Vasquez later modified this motion to a 10 yr. lease, which was not accepted by Cmr. Gutierrez. The motion was then withdrawn by Cmr. Vasquez and after considerable discussion a new motion made.

Cmr. Vasquez made a motion to award the lease to Cabello Wrecker Service for 10 years as originally proposed. Cmr. Urdiales seconded the motion. The vote was tied when Cmr. Gutierrez and Velasquez voted against and Cmr. Vasquez and Urdiales in favor. The Chair cast the deciding vote in favor to approve. Motion carried 3 to 2.
(For full discussion, please view videotape)

P-2003-04

Architect Services for Alterations to the Webb County Justice Center – to Morales & Associates Architects, Inc.

Cmr. Vasquez made a motion to approve the services of Morales & Associates Architects, Inc., as recommended by Mr. Ramirez and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

P-2003-05

Engineering Services for Rio Bravo Street Paving Project – to Foster Engineering Co.

Cmr. Gutierrez made a motion to approve services of Foster Engineering Co. as recommended by Mr. Ramirez and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 3 to 0. Cmr. Vasquez not being present at the time.

b. ACTION TO RETAIN ARCHITECTURAL SERVICES TO PREPARE PLANS AND SPECIFICATIONS FOR THE OILTON, MIRANDO PARKS IMPROVEMENTS.

Cmr. Gutierrez made a motion to solicit Request for proposals and Cmr. Velasquez seconded the motion. All voted "Aye in favor. Motion carried 4 to 0.

c. ACTION TO PURCHASE ONE (1) SPORT UTILITY VEHICLE FOR THE COUNTY ATTORNEY'S OFFICE IN THE AMOUNT OF \$27,500.00 FROM SAMES MOTOR INC. THROUGH BID NO. 2003-01 PREVIOUSLY AWARDED BY COMMISSIONERS COURT. (Fund 623-0200-8801)

A motion was made by Cmr. Gutierrez to approve the purchase of one SUV for the County Attorney. Cmr. Velasquez seconded the motion. All voted "Aye in favor. Motion carried 4 to 0.

d. ACTION TO AWARD PURCHASE ORDER CONTRACTS FOR THE TEMPORARY MORGUE TO THE FOLLOWING VENDORS:

Roofing Active Roofing & Siding Co.	\$17,260
Walk-in Cooler Quality Air	\$ 8,900

Motion to approve the purchase order contracts was made by Cmr. Gutierrez and seconded by Cmr. Urdiales. All voted "Aye" in favor. Motion carried 4 to 0.

e. ACTION TO AWARD PURCHASE ORDER CONTRACTS FOR THE CASA BLANCA CLUB HOUSE TO THE FOLLOWING VENDORS:

Roofing & Painting – J. Starr Construction Inc. for repairing the roofing and the painting of the interior and exterior of the facility at a cost of \$18,726.

Cmr. Gutierrez made a motion to award the contract to J. Starr Construction, Inc. and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

f. ACTION TO APPROVE THE ONE YEAR EXTENSION TO BEN E. KEITH, PROPOSAL NO. 2001-03 “FOOD COMMODITIES”.

A motion was made by Cmr. Vasquez to approve the one year extension to Ben E. Keith by Cmr. Vasquez and Cmr. Urdiales seconded the motion. All voted “Aye in favor. Motion carried 4 to 0.

g. ACTION TO ACCEPT THE CERTIFICATE OF SUBSTANTIAL COMPLETION FROM LEYENDECKER CONSTRUCTION, INC. FOR THE TITLE IV-D COURTROOM.

Cmr. Gutierrez made the motion to accept the certificate of substantial completion from Leyendecker Construction, Inc. and Cmr. Velasquez seconded the motion. All voted “Aye in favor. Motion carried 4 to 0.

**10.02-11-316. COURT TO DISCUSS AND ACT ON THE FOLLOWING
FROM COUNTY ATTORNEY**

- a. ACTION TO ENTER INTO A FUNDING AGREEMENT
WITH THE TEXAS DEPARTMENT OF
TRANSPORTATION IN THE AMOUNT OF TWO
MILLION THREE HUNDRED SEVENTEEN THOUSAND
TWO HUNDRED SEVENTY-SEVEN DOLLARS AND
NINETY-TWO CENTS (\$2,317,277.92) FOR THE
BORDER COLONIA ACCESS PROGRAM TO
RESURFACE PAVED ROADS AND PAVE UNPAVED
ROADS WITHIN EL CENIZO AND AUTHORIZING THE
COUNTY JUDGE TO SIGN ALL RELEVANT
DOCUMENTS. [Requested by Engineering Department]**

Cmr. Gutierrez made a motion to enter into the funding agreement with the Texas Department of Transportation for the Border Colonia Access Program for the paving and re-paving of roads in El Cenizo and Cmr. Vasquez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

- b. ACTION TO ENTER INTO A FUNDING AGREEMENT
WITH THE TEXAS DEPARTMENT OF
TRANSPORTATION IN THE AMOUNT OF TWO
MILLION THREE HUNDRED FOUR THOUSAND TOW
HUNDRED FORTY-NINE DOLLARS AND SEVENTY
CENTS (\$2,304,249.70) FOR THE BORDER COLONIA
ACCESS PROGRAM TO RESURFACE PAVED ROADS
AND PAVE UNPAVED ROADS WITHIN RIO BRAVO
UNITS I,II,III AND ANNEX AND AUTHORIZING THE
COUNTY JUDGE TO SIGN ALL RELEVANT
DOCUMENTS. [Requested by Engineering Department]**

Cmr. Gutierrez made the motion to enter into the funding agreement with the Texas Department of Transportation for the Border Colonia Access Program for the paving and re-paving of roads in Rio Bravo and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

The Judge congratulated and thanked Tomas Rodriguez, County Engineer, for his hard work in acquiring this grant. He also recognized the Laredo Morning Times for their article acknowledging Cmr. Gutierrez’s hard work. He personally recognized her for her commitment to the needs of Colonia residents and that, because of her, this County was the first county to take the initiative to use these monies, sitting idly in the City coffers for many years, and culminating 15 years of hard work by the departments of Economic Development, Planning, Engineering, and some members of this Court to advance this project. He said “para que otros no saluden con sombrero ajeno” meaning others should not take the credit where credit was not due.

Cmr. Gutierrez commended Judge Martinez for all his hard work and leadership in guiding the members of the Committee.

Judge Martinez mentioned that he hoped Senator Eddie Lucio from Houston would take his recommendation to appoint Cmr. Gutierrez to the committee.

- c. **ACTION TO ENTER INTO CONTRACT AMENDMENT NUMBER 1 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, FY 2003 RURAL TRANSPORTATION GRANT FOR WEBB COUNTY CAA/EL AGUILA BY INCORPORATING THE FY 2002 ROLLOVER AMOUNT OF TWENTY-FIVE THOUSAND SEVEN HUNDRED SIX DOLLARS (\$25,706.00) INTO THE FY 2003 GRANT AND ALSO INCORPORATING TWENTY-SIX THOUSAND SIX HUNDRED SIXTEEN DOLLARS (\$26,616.00) OF EXTRA FUNDING ALLOCATED BY THE TRANSPORTATION COMMISSION UNDER MINUTE ORDER 109028 BRINGING THE MAXIMUM PAYABLE UNDER THE GRANT TO FIVE HUNDRED TWENTY-ONE THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$521,694.00) AND AUTHORIZING THE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS. [Requested by CAA]**

Cmr. Gutierrez made the motion to enter into contract amendment number 1 with the Texas Department of Transportation and Cmr. Vasquez seconded the motion. All voted "Aye" in favor. Motion carried 4 to 0.

- d. **ACTION TO AUTHORIZE THE RELOCATION OF THE SOUTHERN MOST DRIVE ENTRANCE TO THE WEBB COUNTY RESTITUTION CENTER, AT NO COST TO WEBB COUNTY, TO ALLOW FOR SHARED ACCESS WITH LOT 2A, RIVERHILL COMMERCIAL AND AUTHORIZING THE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS AND ANY MATTERS INCIDENT THERETO.**

Mr. Haynes, Attorney at Law/Developer, thanked the Court for taking the item out of order and proceeded with his presentation.

Mr. Carlos Villarreal, Executive Administrator, informed the Court that after reviewing the project with the County Attorney, he recommended this project be approved. Cmr. Gutierrez agreed with Mr. Villarreal's recommendation and added that it wasn't often that a developer was willing to put up 100% of the cost.

A motion to authorize the relocation of the Webb County Restitution Center's southernmost drive entrance, at no cost to the County, was made by Cmr. Gutierrez. Cmr. Vasquez seconded the motion. All voted "Aye" in favor. Motion carried 5 to 0 with the Judge also voting in support.

- e. **ACTION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LAREDO INDEPENDENT SCHOOL DISTRICT (L.I.S.D) TO PAY ONE-HALF OF THE SALARIES OF JUSTICE OF THE PEACE JUVENILE COORDINATORS IN J.P. COURT PRECINCTS 1, PLACES 1 AND 2 BEING TWELVE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS (12,649.00) FOR THE PRECINCT 1 PLACE 1 JUVENILE COORDINATOR, THIRTEEN THOUSAND TWO HUNDRED NINETY-EIGHT DOLLARS AND SIXTY THREE CENTS (\$13,298.63) FOR PRECINCT 1, PLACE 2 JUVENILE COORDINATOR AND NINE THOUSAND ONE HUNDRED NINETY-SIX DOLLARS AND EIGHTY-TWO CENTS (\$9,196.82) FOR THE PRECINCT 2 JUVENILE COORDINATOR AND AUTHORIZING COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS AND ANY MATTERS INCIDENT THERETO. [Requested by Justice of the Peace Precinct 1, Places 1 and 2 and Justice of the Peace Precinct 2]**

Cmr. Gutierrez made the motion to enter into an interlocal agreement with Laredo Independent School District to pay one-half of the salaries of Justice f the Peace Juvenile Coordinators in J. P. Court precincts 1 place 1 & 2 and J. P. Court precinct 2. Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

- f. **ACTION TO ENTER INTO A ONE-YEAR (December 1, 2002 through November 30, 2003) UNIFORM RENTAL AGREEMENT WITH UNIFIRST TO PROVIDE UNIFORMS TO ROAD AND BRIDGE DEPARTMENT EMPLOYEES AT A COST NOT TO EXCEED FIFTEEN-THOUSAND NINE HUNDRED AND NINETY DOLLARS (\$15,990) AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS. [Requested by Road and Bridge Department]**

Cmr. Gutierrez made the motion to enter into a one-year uniform rental agreement with Unifirst to provide uniforms to the Road & Bridge Dept. employees and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

- g. **ACTION TO ENTER INTO A TWO YEAR (December 1, 2002 through November 30, 2004) LEASE AGREEMENT WITH M.E. MANAGEMENT GROUP, INC. WHO WILL PROVIDE AN AUTOMATED TELLER MACHINE (ATM) WHICH WILL BE LOCATED IN THE LOBBY OF THE WEBB COUNTY TAX ASSESSOR/COLLECTOR WITH WEBB COUNTY RECEIVING A REIMBURSEMENT OF TWENTY-FIVE (25 CENTS) PER SURCHARGE TRANSACTION AND AUTHORIZING THE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS. [Requested by Tax Assessor/Collector]**

Cmr. Gutierrez made the motion to enter into a two-year lease agreement with M. E. management Group, Inc. and Cmr. Urdiales seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

11:49 a.m. The motion to enter into Executive Session for item 07.02-11-313 (a) was made by Cmr. Gutierrez and seconded by Cmr. Urdiales. All voted “Aye” in favor. Motion carried 4 to 0.

12:18 p.m. Court returned to regular session and the Judge called on legal counsel.

Nathan Bratton, 1st Assistant County Attorney, requested that the Court establish a negotiation committee to ascertain the fair market value for the acquisition of said lots based on the parameter discussed in Executive Session.

On the advice of legal counsel the Judge named a negotiating committee and appointed the following representatives:

Commissioners Court – Cmr. Gutierrez
Judge’s staff – Carlos Villarreal
County Attorney – Nathan Bratton
Engineering Dept. – Tomas Rodriguez

Cmr. Gutierrez made the motion to approve the committee and its member and Cmr. Vasquez seconded the motion. All voted “Aye” in favor. Motion carried 4 to 0.

THE COMMISSIONERS COURT MAY MEET IN CLOSED SESSION PURSUANT TO TEXAS OPEN MEETINGS ACT §551.071 (consultation with attorney), 551.072 (deliberation regarding real property), §551.074 personnel matters) and §551.075 (consultation with employees), ON ALL MATTERS DEEMED NECESSARY BY THE COMMISSIONERS COURT.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AID OF SERVICE SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR NEED LARGE PRINT ARE REQUESTED TO CONTACT THE COURT ADMINISTRATOR AT (956) 523-4620.

ADJOURNMENT

Motion to adjourn was made by Cmr. Gutierrez and seconded by Cmr. Urdiales. All voted "Aye" in favor. Motion carried 4 to 0.

The Judge reminded all concerned that the last Commissioners Court meeting for this Court would be held on Monday, December 9th, 2002.